

EXHIBIT 22

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Case No. 18-CV-02468 (VB) (JCM)
-----X
CARLOS FLORES, LAWRENCE BARTLEY, DEMETRIUS BENNETT, L'MANI DELIMA, EDGARDO LEBRON, ANTONIO ROMAN, DONTAE QUINONES and SHAROD LOGAN, on behalf of themselves and all others similarly situated,
Plaintiffs.

TINA M. STANFORD, as Chairwoman of the New York State Board of Parole; WALTER W. SMITH, as Commissioner of the New York State Board of Parole; JOSEPH P. CRANGLE, as Commissioner of the New York State Board of Parole; ELLEN E. ALEXANDER, as Commissioner of the New York State Board of Parole; MARC COPPOLA, as Commissioner of the New York State Board of Parole; TANA AGOSTINI, as Commissioner of the New York State Board of Parole; CHARLES DAVIS, as Commissioner of the New York State Board of Parole; ERIK BERLINER, as Commissioner of the New York State Board Of Parole; OTIS CRUSE, as Commissioner of the New York State Board of Parole; TYECE DRAKE, as Commissioner of the New York State Board of Parole; CARYNE DEMOSTHENES, As Commissioner of the New York State Board of Parole, MICHAEL CORLEY, as Commissioner of the New York State Board of Parole; CHANWOO LEE, as Commissioner of The New York State Board of Parole; SHEILA SAMUELS, as Commissioner of the New York State Board of Parole; ELSIE SEGARRA, as Commissioner of the New York State Board Of Parole; and CARLTON MITCHELL, as Commissioner of the New York State Board Of Parole,

Defendants.

December 2, 2021
9:10 a.m.

(Continued on next page.)

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2 **Remote video-teleconference**
3 **deposition via Zoom of MICHELE STALEY,**
4 **before SHARON PEARCE, RDR, CRR, CRC, NYRCR, a**
5 **Registered Diplomate Reporter, Certified**
6 **Realtime Reporter, Certified Realtime**
7 **Captioner, and Notary Public of the State of**
8 **New York.**

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STALEY

A. I am not aware of anyone that was.

Q. When is the first time that you personally did any work that related to COMPAS?

7 A. I'm guessing -- and again, this
8 is thinking back quite a few years --
9 probably 2014 is when we started -- I
10 started being involved to a greater
11 degree. I became aware of it after the
12 merger because our office had
13 responsibilities for reporting on parolees
14 based on their supervision level, which
15 was determined by COMPAS. So that would
16 have been in, say, 20 -- early 2012 is
17 when I became knowledgeable about it.

18 Q. Okay. And is it your
19 understanding that early 2012 is the time
20 when DOCCS implemented the use of
21 so-called reentry COMPAS?

22 A. That is my recollection. It was
23 early 2012.

24 Q. Why did DOCCS implement the use
25 of reentry COMPAS in early 2012?

1 STALEY

2 A. So, again, I'm not -- you know,
3 this is out of my area of expertise. But
4 my understanding is that it was designed
5 to be a tool to help assign parolees to
6 caseloads based on the level of
7 supervision that they required. So it was
8 a way to determine whether a parolee would
9 need a higher level of supervision or a
10 lower level of supervision, and it was a
11 way to put people in categories based on
12 that, to assist with staff resource
13 allocation.

14 Q. And did you also learn in the
15 2012 timeframe that reentry COMPAS is used
16 in making parole release decisions?

17 A. I don't believe I was aware of
18 that at that point.

19 Q. Okay. Do you understand now
20 that reentry COMPAS is used in making
21 parole release decisions?

22 A. My understanding is that the
23 COMPAS information is one of many criteria
24 that are used in parole board
25 decisionmaking, but I can't speak to how

1 STALEY

2 exactly it's utilized.

3 Q. Okay. If I've understood you
4 right, you began to do some work as it
5 related to COMPAS in 2012 but then started
6 to do more work around 2014? Is that
7 right?

8 A. '14 or '15. Yes.

9 Q. And what kind of work did you
10 start doing as it related to COMPAS in
11 2014 or '15?

12 A. So there were -- there were
13 discussions that were starting within the
14 department regarding the -- sort of the --
15 I don't want to say -- well, just the
16 number of questions that were involved in
17 the COMPAS reentry instrument. It has a
18 lot of questions, and it takes a long time
19 for staff to administer.

20 So there were some discussions
21 about -- with DCJS about trying to use
22 existing state data to sort of get at the
23 criminal history portion of the risk
24 assessment instead of using -- instead of
25 the requirement for DOCCS staff to read

STALEY

A. I do not know.

Q. Do you know whether the state considered developing a needs instrument in-house as ended up being done with the DCJS risk algorithm?

A. I am not aware of whether that was -- any discussion of that at that point.

Q. How does reentry COMPAS differ from reception COMPAS?

A. Without looking at the specific questions and scales, I can't tell you specifically. However, one key difference is that the re -- well, there are a couple of key differences. The reentry version is focused on looking at scales that relate to how a person will do after their release from custody. And so part of that is an absconder scale that's included in the reentry version as well as -- oh, in addition, there's a prison misconduct scale that's included. There are probably other differences, but those are the key ones that I'm aware of.

1 STALEY

2 Q. And we'll talk more about this,
3 I'm sure, later in the day.

4 But is it the case that New York
5 State worked with Northpointe to make
6 certain modifications to the reentry
7 COMPAS?

8 A. Yes.

9 Q. And is it your understanding
10 that the New York State reentry COMPAS is
11 a unique instrument that's used only in
12 New York State?

13 A. That is my understanding.

14 Q. How about the reception COMPAS?
15 Did New York State work with Northpointe
16 to make modifications to the reception
17 COMPAS?

18 A. I don't know.

19 Q. Do you know whether the
20 reception COMPAS uses models that
21 Northpointe also uses with other
22 jurisdictions around the country?

23 A. My understanding is that it's
24 similar to other jurisdictions, but I
25 don't have firsthand knowledge how it

1 STALEY

2 compares with other jurisdictions.

3 Q. Why did New York State make
4 modifications to the reentry COMPAS but
5 not the reception COMPAS?

6 MR. HARBEN: Object to form.

7 Q. Let me re-ask the question this
8 way.

9 Why did New York State make
10 modifications to reentry COMPAS?

11 MR. HARBEN: Object. Object to
12 form.

13 Q. You can answer. Go ahead.

14 A. So I was not involved in the --
15 that process. I can't really speculate as
16 to -- as to why they made changes to the
17 standard instrument.

18 Q. All right. So from early 2012
19 through the present, so for almost ten
20 years now, DOCCS has been using reentry
21 COMPAS; right?

22 A. Yes.

23 Q. Is it your understanding that
24 DOCCS has been using the same model at the
25 same time, the same underlying algorithms?

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1 STALEY
2 A. [REDACTED]
3 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED]
7 A. [REDACTED]
8 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
11 A. [REDACTED]
12 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
19 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
20 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
25 [REDACTED]

1 STALEY

2 A. [REDACTED]

3 Q. To the best of your knowledge,
4 in the time period from early 2012 until
5 the present, when DOCCS has been using the
6 New York modified reentry COMPAS, has
7 anyone at DOCCS been familiar with that
8 topic?

9 A. With how the specific algorithms
10 are created? I'm going to say no.

11 Q. Okay. So is it fair to say that
12 from the perspective of DOCCS, for the
13 last ten years, the New York modified
14 reentry COMPAS risk scores have been a
15 black box?

16 A. I would say that that is fair to
17 say, generally speaking, yes. Yes. It
18 has been basically -- again, we know how
19 the three scores -- the absconder risk,
20 risk of any arrest, and risk of any
21 violence -- we know how those interact and
22 how those interacted regarding -- related
23 to the supervision level. But as far as
24 the specific nuances, it was definitely
25 not any kind of common knowledge. No.

STALEY

2 Q. And when you say that DOCCS knew
3 how the three risk scores -- the ab
4 discounter risk, the arrest risk, and the
5 violent felony arrest risk -- interact as
6 it relates to the supervision level, are
7 you talking about the step where you go
8 from the decile that an individual gets
9 for each of the three risk scales to the
10 parole supervision level?

11 A. Correct.

12 Q. Okay?

18 THE WITNESS: I'm hearing him
19 okay.

20 Q. All right. But in terms of how
21 to get from the answers to the questions
22 on the COMPAS questionnaire to the risk
23 score deciles, that process, so far as you
24 know, has been a black box for DOCCS over
25 the past ten years; right?

1 STALEY

2 A. Yes.

3 Q. Have you had any concerns about
4 that?

5 A. There have -- have I personally
6 had concerns?

7 Q. Yes.

8 A. At certain points, it would be
9 helpful to have known exactly how things
10 were weighted and how they fed into each
11 other. For example -- well, I don't
12 really have a good example. But yes,
13 there have been points in time -- and I --
14 when it would have been helpful to have a
15 better understanding of how those -- how
16 the questions actually related to the
17 scales and the ultimate risks -- risk
18 scores. Yes.

19 Q. Have you or has anybody else at
20 DOCCS, to your knowledge, ever asked
21 Northpointe for that information?

22 A. I have not personally asked. I
23 believe it may have been asked at points
24 when there were potentially FOIL requests
25 or other types of requests. I believe it

1 STALEY
2 has been. It may have been asked. But I
3 have not personally made that inquiry, and
4 I'm not directly aware of inquiries made
5 to them about it.

6 Q. Okay. And FOIL is the Freedom
7 of Information Law?

8 A. Yes.

9 Q. What do you know about FOIL
10 requests relating to COMPAS?

11 A. I don't know a whole lot about
12 them because any kind of FOIL requests for
13 COMPAS would not have come to my office,
14 because my office doesn't maintain that
15 information. We use it, but we're not the
16 keepers of the data.

17 Q. Okay. Have you come to learn
18 somehow about FOIL requests that related
19 to COMPASS?

20 A. I don't remember specifics. We
21 have a lot. It's quite possible I may
22 have been involved to a certain degree in
23 a FOIL request, but we have so many, that
24 it's hard for me to remember specifics.

25 Q. Okay. So I asked you about

1 STALEY
2 whether you were aware whether anybody at
3 DOCCS had asked Northpointe for any of
4 this information about how their risk
5 score algorithms worked, and you said that
6 that might have come up in FOIL requests,
7 if I heard you right.

8 A. Potentially. Again, I don't
9 remember specifically.

10 Q. Okay. And do you -- do you have
11 any actual knowledge one way or the other,
12 whether you were directly involved or not,
13 about any FOIL requests regarding COMPAS?

14 A. I really can't think of -- I
15 can't remember off the top of my head any
16 FOIL requests involving COMPAS.

17 Q. Okay. And are you aware of any
18 other communications between DOCCS and
19 Northpointe over the last ten years where
20 DOCCS asked for information about the risk
21 algorithms?

22 A. I'm trying -- it's -- I can't
23 remember specifically. I can't remember a
24 specific -- specific request.

25 O. Okay. Are you aware of any

1 STALEY

2 instance in which Northpointe refused to
3 provide information to DOCCS about how the
4 New York modified COMPAS reentry risk
5 scores work?

6 A. I don't -- again, I don't recall
7 specifically. It's possible that that
8 happened, but I don't recall specifically
9 at this moment.

10 Q. Okay. Have you --

11 A. And I wouldn't have made those
12 requests myself directly.

13 Q. Okay. Have you had a view over
14 the last decade as to whether DOCCS was
15 entitled to get information from
16 Northpointe about how the risk score
17 algorithms for the New York modified
18 reentry COMPAS work?

19 A. My understanding has been that
20 it was proprietary information and that
21 DOCCS or anyone else was not entitled to
22 it.

23 Q. [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 STALEY

2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

8 Q. Okay. Because until you got
9 ready for this deposition, you believed
10 that that information was proprietary to
11 Northpointe, and you did not expect
12 Northpointe to share it with New York
13 State in that detail; right?

14 A. That's correct.

15 Q. Do you have an understanding
16 today as to whether the algorithms for the
17 New York modified reentry COMPAS are
18 proprietary to Northpointe?

19 A. Well, given -- given that they
20 did give them to DOCCS, they certainly,
21 you know, intended for DOCCS to have them.
22 But I'm sure they're not releasing them
23 publicly, and it would still be
24 proprietary, as far as I understand.

25 Q. Who is --

STALEY

A. I think all their reports pretty much say "not for distribution" and that sort of thing.

Q. Who is Jennifer Bryant?

A. She is the assistant director in my office.

Q. All right. And so she reports directly to you?

A. Yes, she does.

Q. And how long have you worked with Ms. Bryant?

A. Since 2011 when our agencies merged.

Q. Did she come from the New York State Division of Parole?

A Yes

Q. Do you know whether Ms. Bryant had any involvement before the merger of the two agencies in working on COMPAS?

A. My understanding is she did not have involvement in working on COMPAS other than in a data support role. I believe that there may have been some data provided to Northpointe in order for them

1 STALEY

2 A. Yes. That's my understanding.

3 Q.

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED]

7 A.

8 Q.

9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

12 [REDACTED]

13 A.

14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15 Q.

16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

19 [REDACTED]

20 A.

21 Q.

22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

25 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

1 STALEY

2 [REDACTED]

3 A. [REDACTED] [REDACTED] [REDACTED]

4 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED]

18 Q. Okay. So we spoke earlier about
19 how reentry COMPAS has two different uses;
20 right? One for helping to inform parole
21 release decisions and the other for
22 setting supervision levels for individuals
23 who are released on parole; right?

24 A. It is -- again, I would
25 reiterate that the COMPAS information is

STALEY

2 used as a -- one of many factors that is
3 considered by the Board of Parole when
4 making a release decision. However, my
5 understanding is that the primary purpose
6 of when -- especially when this was
7 developed, was -- the primary purpose was
8 for supervision decisions for people in
9 the community on parole.

10 Q. Who is the basis for your
11 understanding that the primary purpose
12 when reentry COMPAS was developed was for
13 setting supervision levels?

14 A. That's my understanding because
15 of how my office has used the supervision
16 level for our reporting. Supervision --
17 in other words, there was a certain -- my
18 understanding is that there was a certain
19 amount of parole officers staffing
20 resources.

21 And again, my understanding is
22 that the primary reason for utilizing this
23 risk instrument was to establish, amongst
24 the people on parole, who were the --
25 those that were most likely to re-offend

1 STALEY

2 so that parole resources could be devoted
3 more heavily to those individuals, and the
4 people that were -- that were least likely
5 expected to have a lower probability of
6 returning or re-offending would have --
7 would not need as many staff resources
8 devoted to them. So it was a way of
9 allocating staff -- a limited supply of
10 staff resources.

11 Q. [REDACTED]

12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
13 [REDACTED] [REDACTED] [REDACTED]

14 A. [REDACTED]

15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18 Q. Yeah. And you're absolutely
19 right. I didn't ask that in a very good
20 way. So let me try to ask that in a
21 better way.

22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

1 STALEY
2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED]
4 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 that [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED] [REDACTED]
11 Q. Are you familiar with a 2011
12 statute that the legislature enacted that
13 called for the use of a risk and needs
14 instrument in making parole release
15 decisions?
16 A. Yes. I'm aware that that
17 legislation occurred.
18 Q. Okay. Is there a connection
19 between that statute and when reentry
20 COMPAS began to be used in early 2012 for
21 parole release decisions?
22 A. I'm not aware of when the --
23 when the COMPAS information was -- began
24 to be part of the Parole Board package.
25 So I'm not really able to answer that

1 STALEY

2 question.

3 Q.

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

8 A.

9 [REDACTED] [REDACTED]

10 Q.

11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18 A.

19 Q.

20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED]

22 A.

23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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STALEY

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 Q. [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 A. [REDACTED]
14 Q. [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 A. [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 Q. [REDACTED]
25 [REDACTED]

1 STALEY

2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16 MR. HARBEN: Object to form.

17 THE VIDEO TECHNICIAN: And
18 Counsel, in about a few minutes, I'm
19 going to have to reset the video, so
20 just giving you a heads up.

21 MR. RYAN: Thank you.

22 MR. HARBEN: We're going to have
23 to jump away at 11:00 for a little
24 while, because we have a conference in
25 this case.

1 STALEY

2 [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 MR. HARBEN: Object to the
7 characterization of the [REDACTED]

8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

9 Q. You can answer, Ms. Staley.

10 A. Can you repeat the question,
11 please?

12 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED]

18 MR. HARBEN: Object to form.

19 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED] [REDACTED]

21 MR. HARBEN: Object to form.

22 Mischaracterizes the document.

23 Q. Are you able to answer that,
24 Ms. Staley?

25 A. So --

1 STALEY

2 MR. HARBEN: Same objection.

3 A. -- to my --

4 MR. HARBEN: You can answer, but
5 I'm objecting to the way he's
6 characterizing this document.

7 THE WITNESS: Okay.

8 A. [REDACTED]

9 [REDACTED]

10 Q. [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 A. [REDACTED]

15 Q. Okay.

16 A. [REDACTED]

17 Q. [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 A. [REDACTED]

24 Q. [REDACTED]

25 [REDACTED]

1 STALEY
2 [REDACTED]

3 MR. RYAN: So this, Evan, is
4 Tab 1 in our binder. So Exhibit 5,
5 we'll mark a document called [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED]
11 (Staley Exhibit 5, [REDACTED] [REDACTED]
12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
13 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
15 [REDACTED] was hereby marked for

16 identification, as of this date.)

17 Q. And if you could just let us
18 know, Ms. Staley, when that's popped up in
19 the Exhibit Share.

20 A. Okay. It has popped up.

21 Q. Okay. And if you could just,
22 you know, look at the cover page and the
23 table of contents, again, is this one of
24 the reports that you reviewed in
25 preparation for your deposition today?

Page 90

1 STALEY

2 A. Yes.

3 Q.

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED]

8 A.

9 Q.

10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED]

16 A.

17 Q. Okay. So then if you could

18 turn, please, to page 8 of Exhibit 5. [REDACTED]

19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED] [REDACTED]

22 A.

23 Q.

24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

1 STALEY

2 [REDACTED]

3 A. [REDACTED]

4 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 A. [REDACTED]

7 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

10 A. [REDACTED]

11 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13 [REDACTED]

14 A. [REDACTED]

15 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18 [REDACTED]

19 A. [REDACTED] [REDACTED] [REDACTED]

20 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

22 A. [REDACTED]

23 Q. All right. So then if we turn

24 to the following page of this document,

25 page 9.

Page 92

STALEY

1
2 [REDACTED]
3 [REDACTED]
4 A . [REDACTED]
5 Q . [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 A . [REDACTED]
10 Q . [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 A . [REDACTED]
16 Q . [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 A . [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 Q . Okay . And so is it your

Page 94

STALEY

1 [REDACTED]
2 [REDACTED]
3 A. [REDACTED]
4 Q. [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 A. [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 Q. [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 A. [REDACTED]
17 Q. Do you see that?
18 A. Yes.
19 Q. [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 A. [REDACTED]
23 Q. [REDACTED]
24 [REDACTED]
25 [REDACTED]

Page 95

STALEY

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 A. [REDACTED]
5 Q. [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 A. [REDACTED]
9 Q. [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 A. [REDACTED]
13 Q. [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 A. [REDACTED]
18 [REDACTED]
19 Q. [REDACTED]
20 [REDACTED]
21 A. [REDACTED]
22 Q. [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 A. [REDACTED]

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STALEY

1
2 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED]
9 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
12 [REDACTED] [REDACTED]
13 A. [REDACTED] [REDACTED] [REDACTED]
14 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
18 A. [REDACTED]
19 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
23 A. [REDACTED]
24 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

1 STALEY

2 identification, as of this date.)

3 MR. RYAN: This is, Evan, the
4 next document in our binder. So this
5 is a document entitled [REDACTED] [REDACTED]
[REDACTED]

6 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

11 Q. And let us know, please,
12 Ms. Staley, when you've got Exhibit 6.

13 A. Okay. I have access.

14 Q. All right. And is Exhibit 61 of
15 the documents that you reviewed in
16 preparation for this deposition?

17 A. Yes.

18 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

22 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
25 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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STALEY

1
2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED]
7 A. [REDACTED]
8 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
12 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
13 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
20 [REDACTED]
21 A. [REDACTED]
22 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

1 STALEY

2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED] [REDACTED]

11 Q. Do you believe that anybody at
12 DOCCS knows why New York State Division of
13 Parole staff made this request?

14 A. I don't believe anyone that's
15 there currently has an understanding about
16 that.

17 Q. Do you know who the New York
18 State Division of Parole staff were who
19 made this request of Northpointe?

20 A. No, I do not.

21 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 A. [REDACTED]
25 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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STALEY

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 A. [REDACTED]
5 [REDACTED]
6 Q. [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 A. [REDACTED]
13 Q. [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 A. [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 STALEY

2 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED]
9 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
11 A. [REDACTED]
12 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
13 [REDACTED]
14 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED] [REDACTED]
16 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
22 A. [REDACTED]

23 MR. HARBEN: We're on page 6

24 now?

25 MR. RYAN: Page 2 of Exhibit 6.

1 STALEY

2 It's page 86902.

3 Q. What is a stepwise survival
4 modeling approach, Ms. Staley?

5 A. It's -- it's not something I use
6 in my everyday workplace, and I haven't
7 studied this since I was in graduate
8 school. But my general understanding is
9 it's an approach that allows you to put in
10 various factors into an analysis model,
11 and stepwise means you put a different
12 factor in each step of the process to see
13 how much predictive capability each factor
14 adds or each variable adds.

15 Q. [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 A. [REDACTED]

20 Q. [REDACTED]

21 A. [REDACTED]

22 [REDACTED]

23 Q. [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 STALEY

2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED]
7 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
10 [REDACTED]
11 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
12 [REDACTED]

13 Q. Are you familiar with the term
14 "overfitting"?

15 A. I have heard the term. Yes.

16 Q. And what does "overfitting"
17 mean?

18 A. I believe it's where you try to
19 fit a model to a population that it may
20 not have been developed with, that might
21 not fit as it would have -- it might not
22 fit as well as one would expect or hope.
23 But again, it's not something I use
24 routinely in my work life, so I could be
25 mischaracterizing that.

1 STALEY

2 Q. Is overfitting when a model is
3 developed based on a particular dataset
4 and it's then picking up noise or
5 arbitrary characteristics from that
6 dataset leading to an apparently higher
7 correlation than would apply if the model
8 were applied to a new dataset?

9 A. That -- that sounds correct to
10 me. Yes.

11 Q. [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 A. [REDACTED]
16 [REDACTED]

17 Q. [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 A. [REDACTED]
24 Q. If you could turn, please, to
25 page 5.

1 STALEY

2 A. Okay.

3 Q.

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7 A.

8 Q.

9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

10 [REDACTED]

11 A.

12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED] [REDACTED]

14 A.

15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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STALEY

1 [REDACTED]
2 [REDACTED]
3 Q. [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 A. [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 Q. [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 A. [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 MR. RYAN: That's a fair

1 STALEY

2 question, Jeb. Let me ask the
3 question both ways.

4 Q. [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED]

7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

10 [REDACTED]

11 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED] [REDACTED]

13 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

17 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

19 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

25 [REDACTED] [REDACTED] [REDACTED]

1

STALEY

2

Q.

3

4

5

6

7

8

A.

9

Q.

10

11

12

13

A.

14

Q.

15

16

17

A. Give me a moment to review.

19

(Witness perusing document.)

20

MR. HARBEN: Can I take a pause?

21

Because my doorbell is ringing and I
don't know what it is.

23

MR. RYAN: Yes. That's fine.

24

25

THE VIDEO TECHNICIAN: The time

is 12:15. We are off the record.

1 STALEY

2 (Recess)

3 THE VIDEO TECHNICIAN: The time
4 is 12:16. We are on the record.

5 BY MR. RYAN:

6 Q. [REDACTED]

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 A. [REDACTED]

12 [REDACTED]
13 Q. [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 A. [REDACTED]

20 [REDACTED]
21 Q. Okay. So if you could then
22 turn, please, to page 15 of Exhibit 6,
23 Bates number ending in 86915.

24 A. Yes.

25 Q. [REDACTED]

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STALEY

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 A. [REDACTED]
5 Q. [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 A. [REDACTED]
10 Q. [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 A. [REDACTED]
15 [REDACTED]
16 Q. [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 A. [REDACTED]
21 Q. [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 A. [REDACTED]
25 [REDACTED]

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STALEY

1
2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
11 [REDACTED]
12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
13 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
14 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
21 A. [REDACTED]
22 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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STALEY

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 A. [REDACTED]
5 Q. [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 A. [REDACTED]
9 Q. [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 A. [REDACTED]
14 Q. [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 A. [REDACTED]
21 Q. [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 A. [REDACTED]
25 [REDACTED]

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STALEY

1
2 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
10 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
11 [REDACTED] [REDACTED]
12 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED]
20 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED] [REDACTED]
22 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
25 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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STALEY

1 [REDACTED]
2 [REDACTED]
3 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED]
9 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
18 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
22 [REDACTED]
23 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

STALEY

2 gave -- does that mean that if we've got
3 two groups of people, one who recidivate
4 and one who don't recidivate, and we
5 randomly select somebody from the
6 recidivating group, that there's a
7 70 percent chance that that person's risk
8 score will be higher than the risk score
9 of someone we randomly select from the
10 non-recidivating group?

11 A. Again, I'm not comfortable
12 speculating on that. It's been too long
13 since I've had -- I've worked with them
14 regularly.

15 Q . [] [] [] [] [] [] []
16 [] [] [] [] [] [] [] []
17 [] [] [] [] []
18 []

19 A . [REDACTED] [REDACTED] [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED]

21 Q. Okay. But you would agree with
22 me that a high area under the curve does
23 not mean that COMPAS is good as predicting
24 whether a particular individual is going
25 to re-offend.

1 STALEY

2 A. That is -- that's correct.

3 Q. All right. Now, we've been
4 talking a lot about these risk scores,
5 these three risk scores that are included
6 in New York State reentry COMPAS. There
7 are also a whole variety, a dozen or more,
8 needs scales; right?

9 A. Yes.

10 Q. And is it your understanding
11 that those needs scales were developed to
12 try to capture needs during a parole
13 supervision period?

14 A. That is my understanding.

15 Q. All right.

16 A. Yes.

17 Q. There's no necessary correlation
18 between the score on a particular needs
19 scale and the likelihood that somebody
20 will re-offend, is there?

21 A. I'm not sure that I can -- I'm
22 not sure that I can answer that. I mean,
23 based on -- I don't know.

24 Q. Okay. Let me see if I can ask
25 it a different way which is clearer.

1 STALEY

2 Do you agree with me that
3 Northpointe developed the three risk
4 scores to try to measure correlation
5 between the risk score and the particular
6 outcome at issue, one of those three
7 outcomes, but that is not why Northpointe
8 developed the needs scores?

9 A. I really can't speculate about
10 exactly why the needs were developed or
11 what the intention was.

12 Q. Okay. And let me just maybe ask
13 it one other way.

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 A. [REDACTED]
25 [REDACTED]

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STALEY

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 A. [REDACTED]
8 Q. [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 A. [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 STALEY

2 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

3 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED]

8 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED]

9 Q. All right. Let's look at
10 another document.

11 MR. RYAN: This will be Tab 1E
12 in the binder, Evan. So this will be
13 Exhibit 9. And [REDACTED] [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED]

16 (Staley Exhibit 9, [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
18 [REDACTED] was hereby marked for
19 identification, as of this date.)

20 Q. And while this document is being
21 loaded, let me ask you, Ms. Staley, do you
22 know Catherine Jacobsen from DOCCS?

23 A. Yes.

24 Q. Who is Ms. Jacobsen?

25 A. She is now retired. She was an

1 STALEY
2 assistant commissioner for program
3 services who oversaw COMPAS while she was
4 in that position. She then became a
5 superintendent.

6 Q. Okay. And so your understanding
7 is that she was knowledgeable about
8 COMPAS?

9 A. Yes.

10 Q. Okay. So do you now have
11 Exhibit 9 in your Exhibit Share?

12 A. Yes, I do.

20 | A .

21 Q. Who is Mr. O'Brien?

22 A. He is the director of operations
23 for community supervision at DOCCS.

24 Q. Got it. Okay.

25 And do you see that Ms. Jacobsen

1 STALEY

2 [REDACTED] [REDACTED]

3 A. [REDACTED]

4 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 Who is Ms. Kelderhouse?

7 A. I don't recall her position, but
8 she was -- she is one of the people over
9 the years that we have worked with at
10 Northpointe. She would have been one of
11 the people on the regular calls -- the
12 regular steering committee calls.

13 Q. And is it your understanding
14 that Equivant is another name for
15 Northpointe?

16 A. Yes.

17 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED] [REDACTED]

21 A. [REDACTED]

22 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

25 [REDACTED]

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STALEY

1
2 A . [REDACTED]
3 Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED] [REDACTED]
8 A . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
12 [REDACTED] [REDACTED]
13 A . [REDACTED]
14 Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
16 [REDACTED]
17 A . [REDACTED]
18 Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
22 A . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 [REDACTED]
25 Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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STALEY

1 [REDACTED]
2 [REDACTED]
3 A. [REDACTED]
4 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED]
9 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED]
10 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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17 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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21 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 A. [REDACTED]
25 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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STALEY

1 [REDACTED]
2 [REDACTED]
3 A. [REDACTED]
4 Q. [REDACTED]
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9 A. [REDACTED]
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11 Q. [REDACTED]
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18 [REDACTED]
19 [REDACTED]
20 A. [REDACTED]
21 Q. [REDACTED]
22 [REDACTED]
23 [REDACTED]
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25 [REDACTED]

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3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 A. [REDACTED]

6 Q. Who is Mike?

7 A. That would have been Mike Buckman, who was the former director of
8 policy analysis for the Division of Parole prior to the merger of the Division of
9 Parole and DOCCS. He has since retired.

10 Q. Okay. And director of policy analysis, was that a name for something
11 that's similar to your group today?

12 A. Yes. It was essentially the research office for the Division of
13 Parole. And when the department merged
14 with the division, that office merged with
15 my office.

16 Q. Got it. Ms. Bryant then came
17 over from that office.

18 A. Correct.

19 Q. And did Mike Buckman continue to
20 work at DOCCS after the merger of the two
21 agencies?

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STALEY

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 A. [REDACTED]
5 Q. [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 A. [REDACTED]
10 Q. [REDACTED]
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13 [REDACTED]
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16 [REDACTED]
17 [REDACTED]
18 A. [REDACTED]
19 [REDACTED]
20 Q. [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 A. [REDACTED]
24 Q. [REDACTED]
25 [REDACTED]

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3 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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6 [REDACTED]
7 A. [REDACTED]
8 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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12 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
13 [REDACTED] [REDACTED]
14 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
18 A. [REDACTED]
19 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED]
22 A. [REDACTED] [REDACTED]
23 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7 A.

8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

10 Q. Okay. All right. I'm done with
11 this document.

12 Let me just find my question
13 here.

14 Are you aware that the Board of
15 Parole has a regulation about periodically
16 validating a risk assessment instrument?

17 A. No, I am not aware of that.

18 Q. Okay. And you're not aware of
19 any periodic validation that's been done
20 on the New York State reentry COMPAS;
21 right?

22 A. I am not aware of one, no.

23 Q. All right. And the next
24 document will be Exhibit 12.

25 MR. RYAN: And this is Tab 12 in

1 STALEY

2 the binder, Evan. [REDACTED] [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 (Staley Exhibit 12, [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7 [REDACTED] was hereby marked for

8 identification, as of this date.)

9 A. Okay.

10 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16 A. [REDACTED]

17 Q. Do you know Mary Vann?

18 A. Yes. She's a former assistant
19 commissioner for program services at
20 DOCCS, currently a superintendent.

21 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

25 A. [REDACTED]

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STALEY

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2 Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED]
6 A . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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11 Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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14 A . [REDACTED]
15 Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
20 A . [REDACTED]
21 Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 A . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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STALEY

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9 [REDACTED]
10 A.
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13 Q.
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19 [REDACTED]
20 A.
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1 STALEY

2 Q.

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4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED]

9 A.

10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED]

12 Q.

13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

20 A.

21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

22 Q. Okay. So let's go back to
23 the -- this was in Exhibit 1, which is the
24 list of 30(b)(6) topics on the last page
25 of Exhibit 1.

1 STALEY

2 A. Okay.

3 Q. So Topic 1, "DOCCS' selection of
4 COMPAS," do you have any information on
5 that topic that we have not discussed
6 already?

7 A. No.

8 Q. Topic 2, "The search criteria
9 employed by DOCCS for a risk/needs tool."
10 If I understand right, you don't
11 have any information on that topic; is
12 that right?

13 A. That's correct.

14 Q. Okay. Let's just skip 3 and 4
15 for a moment, because I'm going to come to
16 those in a few minutes.

17 Topic 5 is "Customization of
18 COMPAS for New York State"; right?

19 A. Yes.

20 Q. Okay. And we've obviously spent
21 some time today talking about that topic.

22 Do you have any information
23 about the customization of COMPAS for New
24 York State that we've not talked about
25 already today?

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STALEY

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2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 A. [REDACTED]
7 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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13 A. [REDACTED]
14 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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19 [REDACTED]
20 A. [REDACTED]
21 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
25 A. [REDACTED]

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STALEY

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2 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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10 A. [REDACTED]
11 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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25 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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1 STALEY
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3 [REDACTED] [REDACTED]
4 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED]
8 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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15 [REDACTED]
16 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
19 [REDACTED]
20 Q. Has DOCCS ever tried to do a
21 study of that question, that is, to see
22 how consistent COMPAS scores are from one
23 assessment to the next?
24 A. Not to my knowledge.
25 Q. Are you aware of any study that

1 STALEY

2 DOCCS has done to try to see what the rate
3 of staff error is in entering data for the
4 COMPAS instrument?

5 A. Not -- not that I am aware of.
6 But again, I don't -- I'm not
7 operationally involved in the
8 administration of them. But I'm not aware
9 of an effort like that.

10 Q. Okay. Is that something that
11 Ms. MacTavish would be perhaps more
12 familiar with than you?

13 A. Potentially.

14 Q. And you and she worked together
15 on this PowerPoint presentation to
16 executive staff here in Exhibit 13; right?

17 A. That is -- that's what I recall.
18 Yes.

19 Q. If we go to Tab 21 -- I keep
20 saying tab -- to Slide 21 in this
21 PowerPoint deck. Excuse me.

22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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STALEY

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2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 A. [REDACTED] [REDACTED]
6 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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12 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
16 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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22 A. [REDACTED]
23 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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11 [REDACTED]
12 [REDACTED]
13 A. [REDACTED]
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18 [REDACTED]
19 Q. [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 A. [REDACTED]

1 STALEY

2 Q.

3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 A.

10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
12 Q. Okay. If you're trying to use
13 the instrument to predict the risk that
14 someone will actually commit a felony
15 offense as opposed to the risk that
16 somebody will get arrested, do you agree
17 that it would be better to correlate with
18 conviction outcomes and not all arrest
19 outcomes?

20 A. Convictions would be helpful to
21 have for that type of a scenario.

22 Q. Let me turn to Slide 34.

23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED] [REDACTED]
25 A. [REDACTED]

1 STALEY

2 Q. [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 A. [REDACTED]

11 Q. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 A. [REDACTED]

19 Q. And your understanding is that
20 DOCCS couldn't inform folks who are up for
21 parole of what the relative weighting of
22 the factors is; right?

23 A. At the time that this was done,
24 we weren't aware that we even had
25 information that was -- that pertained to

1 STALEY

2 this. We didn't know that we had that
3 information to even be sure. So it wasn't
4 something I thought about.

5 Q. Okay. All right. So at the
6 time that you prepared this slide deck in
7 2017, you didn't even know that DOCCS had
8 the information from Northpointe to begin
9 with; right?

10 A. Correct.

11 Q. And you came to learn that in
12 the last few weeks or months, as you
13 prepared to give this deposition; right?

14 A. Yes, a shorter timeframe, but
15 yes.

16 Q. Okay. You learned this just in
17 the last week or two as you prepared to
18 give this deposition; is that right?

19 A. Yes. Fair to say.

20 Q. But even as you sit here today,
21 it's your understanding that DOCCS would
22 not be permitted by Northpointe to share
23 these Northpointe risk algorithms with
24 parole release applicants; right?

25 A. That is my understanding.

STALEY

2 Q. Okay. To the best of your
3 knowledge, has DOCCS ever shared these
4 algorithms with the Board of Parole?

5 A. I am not aware that they've
6 been -- I don't know. I don't know if
7 they've been shared with the Board of
8 Parole.

9 Q. Okay. To the best of your
10 knowledge, the algorithms in the New York
11 modified reentry COMPAS are black boxed
12 for the Board of Parole commissioners as
13 well; right?

14 A. Again, as far as -- I have no
15 knowledge if they had any insight into
16 them. I don't know.

17 Q. Okay. When you and
18 Ms. MacTavish prepared this slide
19 presentation in Exhibit 13, you believed
20 that transparency in a risk instrument was
21 generally a good thing; right?

22 A. Yes.

23 Q. And you thought it would be
24 better if DOCCS could provide transparency
25 into how the risk instrument works; right?

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 A . [REDACTED]
6 Q . [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 A . [REDACTED]
12 Q . [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 A . [REDACTED]
18 Q . [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 A . [REDACTED]

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1 STALEY
2 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED]
5 A. [REDACTED]
6 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 [REDACTED]
10 A. [REDACTED]
11 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
18 A. [REDACTED]
19 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 A. [REDACTED]
6 Q. [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 A. [REDACTED]
11 [REDACTED]
12 Q. [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 A. [REDACTED]
18 Q. [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 Q. [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 STALEY

2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 Q. [REDACTED] [REDACTED] [REDACTED]
4 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED]
6 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED]
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
10 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
12 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
23 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
25 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

STALEY

Q. Are you aware of anyone who has been asked by their supervisor to go and try to figure out what the error rate in these COMPAS assessment forms is?

MR. HARBEN: Are you asking state-wide? Facility-wide? Where --

MR. RYAN: Anywhere -- I have a
DOCCTS 30(b)(6) witness, and I'm asking
about DOCCTS.

11 Q. Are you aware of anybody in
12 DOCCS who has been asked to do that,
13 Ms. Staley?

14 A. I am not personally aware of
15 people -- anyone being asked to do that.
16 That doesn't mean it has not happened.
17 I'm just not aware of it.

18 Q. Okay. One of the topics on
19 which you're designated as a witness here
20 today is DOCCS' administration of COMPAS;
21 right?

22 A. Yes.

23 Q. Okay. And you understand that
24 you're providing testimony on behalf of
25 DOCCS on that topic; right?

STALEY

2 A. I do understand that.

3 Q. Okay. And as the witness on
4 DOCCS' administration of COMPAS, you're
5 not familiar with anybody in DOCCS being
6 asked to study what the error rate is;
7 right?

8 A. I am not familiar.

9 Q. At some point in time, did DOCCS
10 start providing copies of portions of the
11 COMPAS risk assessment to individuals who
12 were coming up for a parole release
13 interview?

14 A. I 'm not familiar with
15 operationally what materials are provided
16 to incarcerated individuals prior to their
17 Parole Board interview.

18 Q. Okay. Let me show you
19 exhibit --

20 MR. RYAN: This will be
21 Exhibit 17. Right? It's Tab 21 in
22 our binder, Evan. And this is a
23 document -- it appears to be an
24 official DOCCS directive.

1 STALEY

2 (Staley Exhibit 17, DOCCS

3 Directive 8500 dated August 14, 2019,
4 was hereby marked for identification,
5 as of this date.)

6 MR. RYAN: Here we go. This is
7 Directive No. 8500 dated
8 August 14, 2019.

9 A. Okay. I see that.

10 Q. What is a DOCCS directive?

11 A. Essentially, it's a policy that
12 provides guidance for various, many, many
13 policies in the department.

14 Q. And do you see that the title of
15 this directive is "COMPAS Assessments/Case
16 Plan"?

17 A. Yes.

18 Q. Are you familiar with Directive
19 No. 8500?

20 A. Not -- no.

21 Q. Do you know whether there are
22 any other DOCCS directives that relate to
23 COMPAS?

24 A. No, I do not.

25 Q. Do you know who the individual

1 STALEY
2 assessment is a tool developed pr
3 to assist community supervision i
4 allocation of parole supervision
5 resources."

6 Do you agree with that?

7 A. Yes.

8 Q. So would you agree, then, that
9 the COMPAS reentry risk and needs
10 assessment was not developed primarily to
11 assist the Board of Parole in making
12 parole release decisions?

13 A. That's -- my understanding is it
14 was primarily developed to assist with the
15 allegation of parole supervision
16 resources.

17 Q. And indeed, is it your
18 understanding that when the COMPAS reentry
19 tool was developed, it wasn't even
20 contemplated that it would be used to help
21 guide parole release decisions?

22 A. I can't speculate, since I
23 wasn't involved at that time.

24 Q. All right. But you're not aware
25 of any consideration of that use of COMPAS

1 STALEY

2 reentry when it was developed; right?

3 A. I am not aware of it being
4 intended for any other use at the time it
5 was developed.

6 Q. Any other use other than the
7 allocation of parole supervision
8 resources; right?

9 A. Correct.

10 Q. [REDACTED]

11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

14 [REDACTED]

15 A. [REDACTED]

16 Q. [REDACTED]

17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED]

19 A. [REDACTED]

20 MR. HARBEN: May I interject

21 here for a moment that this appears to
22 be a document that was inadvertently
23 produced, at least in whole or
24 possibly in part, and we'll reserve
25 our right on it to request a clawback

1 STALEY

2 once I've had the opportunity to go
3 through it further. It's in front of
4 the witness now, so continue.

5 MR. RYAN: Okay. I don't
6 believe it is actually privileged.
7 But I see it does bear that ledger.

8 BY MR. RYAN:

9 Q. All right. Why don't we take a
10 quick break while I see if I have any
11 further questions, Ms. Staley.

12 THE VIDEO TECHNICIAN: Counsel,
13 the time is 4:25. We are off the
14 record.

15 (Recess)

16 THE VIDEO TECHNICIAN: The time
17 is 4:27. We are on the record.

18 MR. RYAN: Ms. Staley, thank you
19 for your time. Those are all the
20 questions I have for you today.

21 I will follow up with you, Jeb,
22 because I do think that there are a
23 number of 30(b)(6) topics, you know,
24 that the witness was not adequately
25 prepared on. But, you know, there's

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1

2 CERTIFICATION

3

4 I, SHARON PEARCE, RDR, CRR, CRC,
5 NYRCR, a Notary Public for and within the
6 State of New York, do hereby certify:

7 That the witness whose testimony as
8 herein set forth, was duly sworn by me;
9 and that the within transcript is a true
10 record of the testimony given by said
11 witness.

12 I further certify that I am not
13 related to any of the parties to this
14 action by blood or marriage, and that I am
15 in no way interested in the outcome of
16 this matter.

17 IN WITNESS WHEREOF, I have hereunto
18 set my hand this 13th day of December,
19 2021.

20

Sharon Pearce

21

22

SHARON PEARCE

23

RDR, CRR, CRC, NYRCR

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